



City of Colleyville Planning and Zoning Commission Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Monday, January 11, 2016

City Council Chambers

**PRE COMMISSION MEETING
6:15 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

**LEGAL BRIEFING BY CITY ATTORNEY REGARDING PLANNING, ZONING,
PLATTING, AND LAND USE**

**REVIEW OF REGULAR AGENDA ITEMS AND DISCUSSION OF PREVIOUS
MEETING MINUTES**

**DISCUSSION OF ITEMS TO BE PLACED ON FUTURE AGENDAS AND
UPDATES ON DEVELOPMENT TRENDS, PROGRESS AND CITY COUNCIL
ACTIONS ON PAST AGENDA ITEMS**

**EXECUTIVE SESSION – In accordance with Texas Government Code
Chapter 551, Subchapter D, Section 551.071 – Legal – Consultation with
attorney on legal issues raised by public hearing or action items on the
agenda**

7:00 P.M. - REGULAR MEETING

CALL TO ORDER AND ROLL

INVOCATION: Commissioner Tornes

PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES

November 9, 2015
December 14, 2015

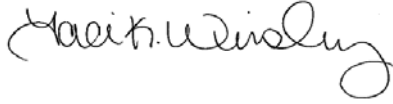
**2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON
THE AGENDA AS A PUBLIC HEARING ITEM**

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of an amendment to the PUDC-Planned Unit Development Commercial zoning requirements on Abstract 180, of the J.L Byas Survey, located at 1603 Hall Johnson Road, Case ZC15-004

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards January 8, 2016 by 5:00 p.m.



Taci Wrisley
Planning and Zoning Assistant

A quorum of the Colleyville City Council may be in attendance at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville Planning and Zoning Commission Minutes

City Hall
100 Main Street
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Monday, November 9, 2015

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on November 9, 2015 at 7:04 p.m.

Roll Call

Present: Commissioners Jim Gotcher, Don Davis, David Phelps, and Jeff Byerly

Absent: Commissioners David Wheelwright and Larry Knox

Staff Present: Abra Nusser, Shane Pace, Jeremy Hutt, Brian Riley, Taci Wrisley, Cheryl Taylor, Marty Wieder, James Hubbard, Chris Fuller, and Matt Butler (City Attorney)

1. SWEARING IN OF NEWLY APPOINTED MEMBERS

Taci Wrisley swore in newly appointed members:

Carel Tornes, Place 5
Don Davis, Place 6
Jason Elms, Place 7

2. APPOINTMENT TO THE PARKLAND DEDICATION COMMITTEE

Commissioner Phelps made a motion to appoint Commissioner Tornes to the Parkland Dedication Committee. Commissioner Gotcher seconded.

The motion to appoint Commissioner Tornes to the Parkland Dedication Committee carried by the following vote:

Aye: 6 – Tornes, Elms, Gotcher, Davis, Phelps, and Byerly

3. APPROVAL OF MINUTES

Commissioner Davis made a motion to approve the September 14, 2015 minutes as written. Commissioner Tornes seconded.

The motion to approve the September 14, 2015 minutes carried by

the following vote:

Aye: 6 – Tornes, Elms, Gotcher, Davis, Phelps, and Byerly

4. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA AS A PUBLIC HEARING ITEM

There were no citizen comments/presentations regarding items not on the agenda as a public hearing item.

5. REGULAR AGENDA ITEMS

5a Conduct a public hearing to consider an amendment to the City of Colleyville comprehensive plan, Case GC13-028

Abra Nusser briefed the Commission on the case.

Jim Carrillo, director of planning of Halff and Associates, presented the case.

The public hearing was opened at 7:41 p.m.

Bobby Lindamood, 4913 Jim Mitchell Trail West, came forward and spoke in opposition.

Susan Baum, 2302 Danbury Drive, came forward and spoke in opposition.

Kathy Hadley, 204 North Timberline Drive, came forward and spoke in opposition.

David Medlin, 605 Montreux Avenue, came forward and spoke in opposition.

Leanne Southerland, 3612 San Bar Lane, came forward and spoke in opposition.

The following wished to record their opposition but did not wish to speak:

Daniel Garrison, 6401 Westcoat Drive
John Southerland, 3612 San Bar Lane
Steve Waltens, 716 Duns Tew Path
Julie Waltens, 716 Duns Tew Path
John & Rachel Donnell, 5712 Sycamore Drive

There being no one else wishing to speak, the public hearing was closed at 7:59 p.m.

Mr. Carrillo, came forward to address comments and concerns.

Commissioner Gotcher questioned Mr. Carrillo regarding the 1.8 dwelling units per acre and transition areas. Mr. Carrillo replied the 1.8 dwelling units per acre is an average citywide goal. He further added, this does not mean that every new development will be 1.8 dwelling units per acre. Mr. Carrillo also stated this goal has been carried forward from the previous comprehensive plan.

Discussion continued regarding existing developments with density higher than 1.8 dwelling units per acre.

Commissioner Gotcher questioned Mr. Carrillo regarding the exceptions for Planned Unit Developments (PUDs) and the restrictions placed upon them, where PUDs are permitted, and how transitional areas are defined. Mr. Carrillo described the policy guidelines, including proximity to major roadways and intersections and the topographical conditions of the property as starting points to frame the policy. Mr. Carrillo continued by stating the policy would be utilized as a criteria for defining transitional areas and any project failing to meet those criteria would be required to meet the 1.8 dwelling units per acre.

Chairman Byerly questioned Mr. Carrillo regarding the population estimates in Table 2.1 and how they were figured. Mr. Carrillo explained the population estimates were based on trends over the past decade, since the previous comprehensive plan's adoption. Mr. Carrillo explained the methodology for the population scenarios.

Chairman Byerly asked Mr. Carrillo to clarify, the table in question is specifically looking at population estimation and not density. Mr. Carrillo replied, it is looking at scenarios. He continued, it is not about allowing it, it is about forecasting potential scenarios.

Commissioner Phelps questioned Mr. Carrillo on how these projections reconcile a scenario where the city is growth bound, and the trend changes from new development to redevelopment. Mr. Carrillo responded by explaining the importance of forecasting for all potential scenarios. He stated the estimates look at a worst case scenario where all land is developed, but went on to say it is very likely this may never happen. He completed his statement by reiterating the fact that even at maximum population scenario, the

population would only increase by approximately 700 people. Discussion continued regarding population estimates and how they were calculated.

Chairman Byerly questioned Mr. Carrillo regarding the approximate total residential acreage in the Colleyville as it relates to the 668 acres in Table 2.1. Mr. Carrillo stated he did not know the number off-hand. Abra Nusser responded, the existing residential acreage made up approximately 60 percent of the total land area, and the city is approximately 13 square miles. Ms. Nusser calculated approximately eight square miles.

Discussion continued regarding population estimates and how they were calculated.

Commissioner Tornes questioned Mr. Carrillo regarding how the 1.8 dwelling units per acre was calculated and whether or not open space was included in the calculation. Mr. Carrillo explained the 1.8 dwelling units per acre is calculated by using the residential portion and the private open space. Abra Nusser responded that the Master Plan historically utilizes gross residential project area, including rights-of-way and open space.

Commissioner Phelps stated he believes the way density is documented on pages 195 and 196 of the draft Comprehensive Plan creates confusion. He continued by stating using 1.8 dwelling units per acre as a PUD target, is not an accurate way to achieve the citywide density of 1.8 dwelling units per acre. He stated, the PUD average would need to be lower. He further questioned Mr. Carrillo regarding the validity of 1.8 as a target for PUDRs. He completed his comments by restating, the current language creates confusion. Abra Nusser, responded by stating revised language can be provided for clarification. She continued by explaining the language in question is stating the density for PUDs shall be a maximum of 1.8 dwelling units per acre unless the project meets the density bonus. If the project meets the density bonus, some variations in lot size are permitted. She continued by stating, staff can add language stating, 1.8 dwelling units per acre is the standard in the Land Development Code, but projects are allowed to deviate from this criteria to a higher density if the project meets the density bonus criteria. She further clarified, the language in question is referring to an existing zoning analysis.

Commissioner Phelps questioned Ms. Nusser regarding the higher percentage of open space allowing for increased density. Chairman Byerly responded to the question by stating, the method for arriving

at the 1.8 dwelling units per acre for R-20 zoning is based on dedication of right-of-way which reduces the density from 2.1 to 1.8 dwelling units per acre.

Commissioner Phelps questioned Mr. Carrillo regarding the current overall density for the city. Mr. Carrillo replied the overall density is currently under 1.8 dwelling units per acre.

Commissioner Phelps stated that he recognizes the limited remaining developable areas will require flexibility, and that straight R-20 zoning is not feasible on all of the remaining developments. He further stated it should be impressed upon developers that the 1.8 dwelling units per acre is for the city as a whole, not specifically Planned Unit Developments. Mr. Carrillo responded by stating, this is the intent of defining the transitional policy. As an effort to provide clear guidance as to where it is appropriate to have higher density developments, and where it is not appropriate due to incompatibility.

Ms. Nusser responded to this discussion by stating the Comprehensive Plan is a framework, a vision for the City moving forward. She went on to state, rezoning requests are discretionary events, and the process is in place to bring projects forward for the Planning and Zoning Commission and City Council to consider on a case by case basis. She further explained, rezoning requests are not entitlements, and the Planning and Zoning Commission and City Council can review each PUDR as it comes forward, to decide if the proposal meets the vision set forth in the Comprehensive Plan, in terms of compatibility or density and additionally, these cases will be decided based on where they are appropriate, if at all.

Discussion occurred regarding the interpretation on how the 1.8 dwelling units per acre is used.

Commissioner Tornes questioned staff regarding whether or not the Comprehensive Plan was to be used as an overall guide for future developments, and then to further review cases based on the Land Development Code requirements. Abra Nusser replied correct.

Commissioner Phelps stated he liked the direction the Comprehensive Plan was taking. He further stated it was important for developers and staff to have a clear guidelines. He also added he liked the consistent messaging being used by bringing some of the features from the previous plan forward and incorporating them into the new plan.

Commissioner Phelps questioned staff regarding whether any

illustrations would be included in the Comprehensive Plan to indicate where transition areas may be considered. Abra Nusser replied there was not a consensus at the joint City Council, Planning and Zoning Commission, and Comprehensive Plan Advisory Committee meeting regarding mapping transition areas. She further added language had been incorporated into the Comprehensive Plan to establish where transitional areas would be considered based on direction from the joint meeting. Commissioner Phelps, requested including or modifying the language to add additional specificity, which could be used in the process for approval of future PUDRs.

Commissioner Elms stated the language for what was considered to be a transitional area seemed too broad, specifically the definition of a major intersection. Abra Nusser responded by stating, staff acknowledged this concern. Ms. Nusser went on to state there are multiple factors utilized to define a transitional area.

Commissioner Tornes questioned staff regarding the language on page 53 related to roadway and sidewalk design. Abra Nusser responded by discussing language from page 65, Action 5-10 related to context sensitive solutions, and potentially providing a cross reference to this language on page 53. Commissioner Tornes agreed with this recommendation. Ms. Nusser further clarified the recommendation by stating, a footnote would be added to the table on page 53 specifically referencing the context sensitive solution approach similar to Action 5-10.

Commissioner Tornes questioned staff regarding adding additional language to the table on page 53. Abra Nusser stated, language could be added stating the purpose and intent of the table. Ms. Nusser continued by proposing language clarifying the information provided is "typical" and additionally, the designs may be flexible utilizing context sensitive solutions.

Discussion continued regarding the purpose and intent of the table on page 53.

Chairman Byerly requested including both sidewalks and street sections in the footnote on page 53. Abra Nusser acknowledged the request.

Commissioner Phelps stated he would like to see language on page 119, referencing townhomes and mixed-use development to be targeted towards the Colleyville Boulevard Corridor, and not a statement at large.

Commissioner Byerly stated he would like to see more explicit language expressing the desire to preserve larger, estate type lots along collector and arterial streets rather than promoting R-20 zoning on all properties. He further added this would preserve the rural look and feel the residents were looking for.

Discussion continued regarding the addition of language to help preserve the look and feel of the estate type lots.

Commissioner Tornes questioned staff regarding whether it was possible to require more open space as the density increases. Abra Nusser replied yes, tiered open space could be considered. Commissioner Byerly stated he would also like to see more amenities in lieu of open space. Commissioner Tornes stated he would truly like to just see more open space.

Discussion continued regarding open space and amenities.

Commissioner Byerly requested staff to include an action item related to increased open space as density increases. Abra Nusser replied, an action item will be included stating "explore tiered open space requirements based on density."

Commissioner Phelps stated he would like to see the word "usable" included in the open space requirements. Commissioner Tornes concurred. Abra Nusser responded by suggesting an additional action item, "explore amenity minimums and usefulness for required open space." Commissioner Phelps concurred.

Commissioner Gotcher stated he would like to see the word "encourage" used in place of "create" on page 36, regarding the suggestion that the City would create new redevelopment projects. Commissioner Byerly concurred.

Commissioner Phelps questioned staff regarding whether the language on the chart on pages 195 and 196 should be changed to differentiate between the 1.8 dwelling units per acre with regards to the zoning requirements versus the citywide requirement. Abra Nusser replied by clarifying the information on page 196 is an analysis of current zoning regulations, not future policies. She went on to state, the language can be clarified that the 1.8 dwelling units per acre is currently a maximum in the zoning ordinance if the project does not achieve other factors. Ms. Nusser also stated the requirements for zoning should be reflective of the Master Plan. Commissioner Phelps stated he felt it would be confusing to the

public.

Commissioner Phelps questioned staff as to whether there are any changes proposed to the PUDR requirements of the Land Development Code in the Comprehensive Plan. Abra Nusser replied, there are no specific proposals for changes to the PUDR ordinance.

Discussion continued related to clarification of the purpose and intent of the content on page 196 of the draft Comprehensive Plan.

Commissioner Gotcher stated there was language in the draft Comprehensive Plan that references requiring more open space with higher density. Commissioner Phelps stated he would like to see the language amended to reference more open space specifically. Abra Nusser replied yes. She went on to state that the request by Commissioner Phelps is to clarify the wording on page 196, to include additional open space (above 20 percent) for projects exceeding 1.8 dwelling units per acre.

Commissioner Phelps questioned staff regarding the specific criteria for increased density in a PUDR request. Abra Nusser responded by reading the exact language for a PUDR in the draft Comprehensive Plan.

Jayashree Nayarana, on behalf of Halff and Associates, came forward and stated the chart on pages 195 and 196 were added as reference material but if the information is confusing it could be removed from the plan.

Commissioner Phelps stated he would like to see the language on the chart on page 196 regarding the open space requirements either removed or provide a reference to the Land Development Code where to the requirements may be found.

Chairman Byerly questioned Mr. Carrillo regarding the Future Land Use Map changes. Mr. Carrillo replied there were very few changes made to the Future Land Use Map with regards to residential. He further stated there were some minor changes to the Colleyville Boulevard Corridor.

Commissioner Phelps questioned Mr. Carrillo regarding the illustration on page 147 of the Colleyville Boulevard Corridor and the process for developing the illustration. Mr. Carrillo replied by describing the physical elements of the illustration. Commissioner Phelps questioned Mr. Carrillo whether or not the illustration was

developed during public engagement activities, and if citizen input was received for this area. Mr. Carrillo replied, yes. Abra Nusser added the linkages shown on the illustration were for illustrative purposes only.

Commissioner Phelps questioned staff regarding whether the McDonwell School Road illustration was illustrative as well. Abra Nusser replied no, the McDonwell School Road illustration is an actual update to the Master Thoroughfare Plan.

Discussion continued regarding adding descriptions to clarify all conceptual, illustrative exhibits.

Commissioner Phelps questioned Mr. Carrillo if there were more illustrations in the plan like the one for the Colleyville Boulevard Corridor. Mr. Carrillo replied yes, however, they were all created with the stakeholders and the public and they are all conceptual. Commissioner Phelps stated he would like language to be included on the illustrations to state they are illustrative only.

Chairman Byerly questioned staff regarding whether it was common to have a maximum density for residential property. Abra Nusser replied it is typical for Comprehensive Plans to set a vision for residential areas.

Discussion continued regarding having a maximum density policy and how it may impact the development of land in the future, with an emphasis on the need for some flexibility.

Commissioner Phelps questioned staff regarding how the Village mixed-use development impacts density. Abra Nusser replied that the Village would be on the top end of the spectrum in terms of density in Colleyville. The number of residential units in the Village would contribute to the city's overall density. Commissioner Phelps emphasized the importance of locating higher density developments, such as the Village, near our major corridors to preserve more residential areas.

Chairman Byerly questioned Mr. Carrillo regarding whether he thought the City should be concerned about the lack of 25 to 34 year old citizens living in the community. Mr. Carrillo replied the community is currently attractive to families, and as long as the city continues to be attractive to families, he did not see a concern.

Commissioner Davis questioned staff regarding whether the Planning

and Zoning Commission would see the plan again after the recommended changes had been made. Abra Nusser explained the draft would go to City Council as a public hearing item without the changes to the document but their recommendations would be presented to City Council for their consideration.

Commissioner Gotcher questioned staff regarding what happens to the action items recommended. Abra Nusser replied, the action items would be utilized to implement the plan.

Commissioner Phelps questioned Mr. Carrillo regarding whether the language, for future use, could be edited to state 'target' density versus 'low' density. Mr. Carrillo replied yes. Mr. Carrillo added, the table should be renamed "Population Scenarios."

Discussion continued related to the table and the appropriate title.

Commissioner Davis made a motion to approve Case GC15-028 with the following conditions:

- 1. Change the wording "Population Forecast" for the table title to "Potential Population Scenarios" (Page 15)**
- 2. List the criteria and make defining a major intersection an action item (Page 115 and 116)**
- 3. Cross reference Action 5-10 for sidewalk and street design (Page 53)**
- 4. Remove the townhome sentence & add it to the Colleyville Boulevard Corridor land use type (Page 119)**
- 5. Add first bullet – "Preserve estate type lots especially along major roadways to keep the rural feel of Colleyville." (Page 119)**
- 6. Remove "Create and" (Page 36)**
- 7. Clarify 1.8 dwelling units per acre for Planned Unit Development-Residential to specifically state language from the Land Development Code (Page 196)**
- 8. Provide note – "For illustrative or conceptual purposes only." (Page 138 and 147)**
- 9. Clarify 1.8 dwelling units per acre is a city average density, not every development's density (Page 115 and throughout document)**
- 10. Explore tiered open space requirements based on density proposed (Page 116)**

11. Explore amenity minimums and usefulness for required open space

Commissioner Phelps seconded the motion.

The motion to approve Case GC15-028 with the following conditions:

- 1. Change the wording “Population Forecast” for the table title to “Potential Population Scenarios” (Page 15)**
- 2. List the criteria and make defining a major intersection an action item (Page 115 and 116)**
- 3. Cross reference Action 5-10 for sidewalk and street design (Page 53)**
- 4. Remove the townhome sentence & add it to the Colleyville Boulevard Corridor land use type (Page 119)**
- 5. Add first bullet – “Preserve estate type lots especially along major roadways to keep the rural feel of Colleyville.” (Page 119)**
- 6. Remove “Create and” (Page 36)**
- 7. Clarify 1.8 dwelling units per acre for Planned Unit Development-Residential to specifically state language from the Land Development Code (Page 196)**
- 8. Provide note – “For illustrative or conceptual purposes only.” (Page 138 and 147)**
- 9. Clarify 1.8 dwelling units per acre is a city average density, not every development’s density (Page 115 and throughout document)**
- 10. Explore tiered open space requirements based on density proposed (Page 116)**
- 11. Explore amenity minimums and usefulness for required open space**

carried by the following vote:

Aye: 6 – Tornes, Elms, Gotcher, Davis, Phelps, and Byerly

There were three speaker cards received after the public hearing closed:

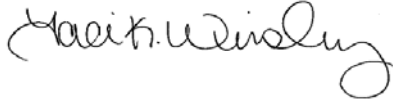
1. Meredith Coleman, 7212 Maranatha Court, opposed
2. Bobby Lindamood, 4913 Jim Mitchell Trail West, opposed

3. Kathy Hadley, 204 North Timberline Drive, support

6. ADJOURNMENT

The meeting adjourned at 10:02 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on January 11, 2016 by a vote of _____.



City of Colleyville Planning and Zoning Commission Minutes

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Monday, December 14, 2015

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on December 14, 2015 at 7:05 p.m.

Roll Call

Present: Commissioners David Wheelwright, Jason Elms, Carel Tornes, David Phelps, and Jeff Byerly

Absent: Commissioners Jim Gotcher and Don Davis

Staff Present: Abra Nusser, Shane Pace, Taci Wrisley, Cheryl Taylor, Rob McKeown, Brian Riley, and Matthew Boyle (City Attorney)

1. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA AS A PUBLIC HEARING ITEM

There were no citizen comments/presentations regarding items not on the agenda as a public hearing item.

2. CONSENT AGENDA ITEMS

- 2a** Consideration of a Preliminary/Final plat on Abstract No. 331 of the A.J. Caldwell Survey, located at 6105 Waller Lane, Case PC15-024

Commissioner Elms made a motion to approve the consent agenda item, Case PC15-024. Commissioner Phelps seconded.

The motion to approve the consent agenda item, Case PC15-024 carried by the following vote:

Aye: 5 – Wheelwright, Elms, Tornes, Phelps, and Byerly

3. PUBLIC HEARING AGENDA ITEMS

- 3a** Consideration of a zoning change from the AG-Agricultural zoning district to the R20-Single Family Residential zoning district on Lot 1 of the Miles Addition, located 6480 Pool Road, Case ZC15-018

Shane Pace presented the case and briefed the Commission.

Commissioner Wheelwright questioned staff regarding whether the 20 percent open space requirement would apply to this zoning change request. Shane Pace replied open space is not a requirement with a zoning change to R20-Single Family Residential. He further explained it would be a requirement with a zoning change to a Planned Unit Development-Residential.

Commissioner Tornes questioned staff regarding whether the applicant would need to come before the Commission again in order to subdivide the property. Shane Pace replied correct.

The public hearing was opened at 7:11 p.m.

Charles Stark, the applicant, came forward and briefed the Commission.

Arthur Hamilton, 6500 Glenhope Circle South, came forward and spoke in opposition.

Lana Shelton, 6504 Glenhope Circle South, came forward and spoke in opposition.

Kathy Hadley, 204 North Timberline Drive, came forward and spoke in opposition.

Keith Shelton, 6504 Glenhope Circle South, came forward and spoke in opposition.

Stuart Gardner, 6000 Montford Drive, came forward and spoke in opposition.

Mary Ann Nicholson, 2101 High Gate Drive, came forward and spoke in opposition.

Sue Reed, 2512 Independence Road, came forward and spoke in opposition.

Bob Riley, 2600 Independence Road, came forward and spoke in opposition.

Rich Ruocchio, 2516 Independence Road, came forward and spoke in opposition.

Alesha Gravit, 2608 Independence Road, came forward and spoke in opposition.

The following wished to record their vote but did not wish to speak:

Salman Arab, 2609 Independence, opposition

JonCarlo Gulbranson, 2605 Independence Road, opposition

Mary Ziolkowski, 6105 Hillbrook Drive, opposition

Greg Reed, 2512 Independence Road, opposition

Michael Cooper, 2604 Independence Road, opposition

Linda Cooper, 2604 Independence Road, opposition

Tara Riley, 2600 Independence Road, opposition

John Donnell, 5712 Sycamore Drive, opposition

Rachel Donnell, 5712 Sycamore Drive, opposition

Mary Ruocchio, 2516 Independence Road, opposition

Brian Matlock, 2508 Independence Road, opposition

Mindy Matlock, 2508 Independence Road, opposition

Joe Rounkles, 6409 Regiment Place, opposition

David Reed, 2613 Independence Road, opposition

There being no one else wishing to speak, the public hearing was closed at 7:43 p.m.

Mr. Stark came forward to address comments and concerns.

Commissioner Tornes questioned Mr. Stark regarding the next steps in the process and why he submitted a conceptual plan if it will not be the final plan. Mr. Stark replied a plat would need to be submitted with the city in order to subdivide the property. He further explained the conceptual plan is a requirement for a zoning change application.

Commissioner Wheelwright questioned Mr. Stark regarding what thought went into designing the conceptual plan. Mr. Stark replied his objective was to be consistent with the surrounding developments and then to configure a development that met the requirements of that zoning district.

Commissioner Wheelwright questioned Mr. Stark regarding whether the conceptual plan would be brought forward as the final plan. Mr. Stark replied he was not sure if it would or not, he stated it depends on who purchases the property. He further stated the conceptual plan was designed to use for the zoning change application and to illustrate the requirements to the property owner.

Commissioner Phelps questioned Mr. Stark regarding Lot 11 and

whether a home could be built there. Mr. Stark replied no, Lot 11 is for drainage only.

Commissioner Tornes questioned staff regarding whether there was a maximum lot size for the R20-Single Family Residential zoning district. Shane Pace replied, there is not a maximum lot size.

Discussion occurred regarding lot shape and size per the zoning district.

Commissioner Tornes questioned staff regarding whether the Commission would be able to make changes to the plat once it is submitted. Shane Pace replied, if the plat meets all of the requirements of the Land Development Code, no changes can be made.

Chairman Byerly questioned staff regarding the requirement for drainage. Cheryl Taylor replied the developer is required to submit documentation by a professional engineer stating the drainage requirements will be met with the new development. She further explained runoff must remain the same or be less than pre-development.

Discussion occurred regarding the process for platting.

Commissioner Elms questioned staff regarding the offset requirement for streets. Cheryl Taylor replied the offset requirement for streets is 135 feet. She further added this development has not been reviewed to that detail.

Commissioner Tornes questioned staff regarding what the property owners options were if the case was denied at Planning and Zoning. Shane Pace replied the applicant would have ten days to appeal to the City Council.

Discussion continued regarding the process for denial.

Commissioner Phelps stated he did not believe the property owner should be held to a higher standard than the adjacent properties were held to when they were developed. Chairman Byerly stated he concurred.

Chairman Byerly made a motion to approve case ZC15-018. Commissioner Phelps seconded.

Commissioner Tornes questioned Mr. Stark regarding whether he was willing to work with the surrounding homeowner's associations regarding their concerns. Mr. Stark replied yes.

Commissioner Wheelwright encouraged Mr. Stark to read the article in the *Wall Street Journal* this past Saturday regarding high density neighborhoods.

Commissioner Wheelwright thanked the citizens for coming out and speaking. He further added he agreed with his fellow commissioners. Commissioner Tornes concurred.

The motion to approve Case ZC15-018 carried by the following vote:

Aye: 5 – Wheelwright, Elms, Tornes, Phelps, and Byerly

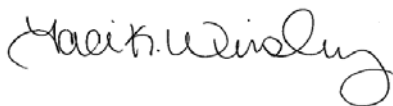
There were two speaker cards turned in after the public hearing closed:

Kathy Hadley, 204 North Timberline Drive, opposition
Sylvia Webber, 6512 Glenhope Circle, opposition

4. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on January 11, 2016 by a vote of _____.



City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3a	Agenda Date 01/11/2016	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Consideration of an amendment to the PUDC-Planned Unit Development Commercial zoning requirements on Abstract 180, of the J.L Byas Survey, located at 1603 Hall Johnson Road, Case ZC15-004

Explanation

Thomas Monks, the property owner, has submitted a request to amend the PUD-C – Planned Unit Development Commercial zoning of 2.87 acres located at 1603 Hall Johnson Road.

Background. Ordinance O-14-1904 was approved by the City Council on February 4, 2014. It established the PUD-C zoning for the entire 2.87 acre site and permitted a landscaping business with outside storage named *The Lawn Firm*. The PUD-C established provisions for building and site improvements in an effort to bring the property into compliance with all standards governed by the Land Development Code. Ordinance O-14-1904 required the property owner to bring all on-site nonconformities into compliance within one year of approval.

The property owner has addressed all items originally discussed, with the exception of the fire lanes and access, which are currently in progress. The proposed PUD-C amendment seeks to resolve the remaining nonconformities on the subject property and plan for an additional office building. When the PUD-C was considered previously, construction of a new building was not a component of the request. As such, all nonconformities with the Land Development Code are highlighted as waivers below for reference and consideration even though all but one waiver was previously approved.

Statement of Planning Objectives. The property owner has provided a written Statement of Planning Objectives, which has been used for drafting the proposed PUD-C ordinance amendment for the subject property. The Statement of Planning Objectives describes the nature of the proposed development, and it includes a development schedule and outlines the goals of the amendment. A copy of the Statement of Planning Objectives is attached to this agenda briefing.

Development Standards. The proposed amendment includes a detailed site plan, landscape plan, and building elevations. These documents identify the location of all existing and proposed structures, fire lanes, point of access, screening, buffer zones, existing and proposed landscaping, a future detention pond, and required public improvements.

Based on the site plan submitted, the development will consist of one lot, totaling approximately 2.87 acres with two permanent structures, one existing and one proposed. An existing shop building is proposed to remain, and a new 2,993 square-foot office building for the landscaping business is proposed to be constructed to replace the temporary office trailer currently on the site. The temporary office trailer currently on the site will need to be removed within one year of Certificate of

Occupancy of the new building. Also, proposed to remain on-site are a greenhouse, chicken coop, three portable storage containers, and unenclosed outside storage.

WAIVER CONTINUATION: The applicant is proposing to maintain the current allowance from the existing PUD-C of outside storage of equipment, supplies, and materials, as long as they are a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. Outside storage was previously considered and approved on this site and the provision was added to the PUD-C at that time, although outside storage is only prohibited for large commercial buildings.

The proposed site features comply with the minimum dimensions and setbacks established for the PUD-C zoning district as follows, except the required front yard setback (detailed further below):

Lot size: 7,200 square feet
Lot width: 70 feet
Lot depth: 115 feet
Front yard setback: 40 feet (modification requested, see below)
Side yard setback: 10 feet
Rear yard setback: 10 feet

Front Setback: PUD-C's require a minimum 40-foot front yard setback. The existing shop on-site is proposed to remain and is located approximately 19 feet from the front property line. The applicant is proposing to maintain the existing 19-foot front yard setback. Due to the physical location of the lot and structure (behind the City's Public Works Service Center), the existing shop is not visible from Hall-Johnson Road, and the front yard setback does not provide any buffering from adjacent streets or residential property.

WAIVER CONTINUATION: The applicant is proposing a minimum 19-foot front yard setback versus the 40-foot setback required. The existing 19-foot setback was approved with the current PUD-C.

Parking: Based on the parking requirements of the Land Development Code, a total of 10 parking spaces are required for a general business office, and 10 striped and paved spaces are proposed. Per section 3.29.1 of the Land Development Code:

"All parking spaces, aisles, and maneuvering areas shall be constructed of an all-weather surface composed of concrete, asphalt, brick, or paving stone. Such paving shall meet the minimum construction standards contained in the Colleyville Building Code. Such all-weather surface shall be provided for all parking spaces, whether enclosed or unenclosed, and shall be connected by an all-weather surface driveway to a street or alley. Rock, gravel, and dirt parking surfaces are prohibited."

The applicant is proposing to maintain current gravel parking areas, identified on the site plan, for employee and company vehicle parking but to provide the 10 striped and paved parking spaces for customers.

The existing gravel parking areas do not meet the all-weather surface requirement. Due to the nature of the existing business, staff recognizes the need to provide additional parking for

employees and associated business vehicles on-site. The applicant has stated that since the landscaping business does not operate in inclement weather, ruts and other damage to gravel parking areas are not prevalent. Although the existing gravel parking surfaces are non-compliant, the addition of 10 striped and paved parking spaces for customers will be an improvement to the existing conditions on-site, and the existing gravel parking surfaces should not adversely impact adjacent properties.

WAIVER CONTINUATION: The applicant is proposing gravel parking areas, in addition to 10 striped and paved parking spaces, for employee and company vehicle parking, versus the required all-weather surface.

Screening and Buffering: Per Section 3.26 of the Land Development Code, an eight-foot, decorative, masonry wall is required to screen non-residential land uses from residential land uses. The applicant has requested to maintain the existing six-foot and eight-foot wooden fences along the southern and eastern property lines where residential adjacency exists as illustrated on the proposed zoning exhibits. The wood fences are well-maintained and in good condition.

Many large, mature trees exist along each of the property lines, and the applicant has stated that although no tree removal is proposed with the site improvements, the installation of a masonry wall could damage or kill many of the mature trees along the required area of the wall that are currently providing natural screening between the subject property and adjacent residential uses.

WAIVER CONTINUATION: The applicant is proposing to keep the existing wood fences (six and eight feet tall) instead of the required eight-foot, decorative, masonry wall along the southern and eastern property lines.

Section 3.26 of the Land Development Code requires all waste, garbage, compacting, and recycling containers to be fully enclosed by a decorative masonry wall and gate that matches the exterior wall of the primary structure on the property where the container is located. The applicant is proposing a dumpster on a concrete pad on the northern portion of the subject property without a screening enclosure. The dumpster, in its proposed location, would be visible from the adjacent property to the north and from the access drive to the subject property.

WAIVER CONTINUATION: The applicant is proposing to provide an unenclosed dumpster on a concrete pad instead of providing a decorative masonry wall with gate as required.

Chapter 4 of the Land Development Code requires a minimum 20-foot wide landscape buffer for any development in a PUD-C which abuts districts zoned residential; in this case, along the southern and eastern property lines. The buffer is required to consist of "live plant material of the evergreen variety which is expected to grow to six feet in height in two years, a minimum of three feet in height at the time of installation, and planted on six-foot centers, for the entire distance along which the development abuts the residential district."

The applicant is proposing a minimum 10-foot landscape buffer, with many areas providing substantially more than 10 feet of landscaping along the required greenbelt area. There are a significant number of mature trees along the perimeter of the subject property that provide natural screening, and the applicant is also proposing to plant additional evergreen trees to increase

screening and buffering of land uses as shown on the proposed Landscape Plan Exhibit. The existing wooden fences and mature trees, along with the addition of many trees and shrubs as detailed further below, should provide an improvement to the screening and buffering currently between the subject property and adjacent residential uses.

WAIVER CONTINUATION: The applicant is proposing a minimum 10-foot wide landscape buffer along the southern and eastern property lines versus the minimum 20-foot landscape buffer required.

Portable Storage Containers: The subject property is currently housing multiple portable storage containers on-site. Section 3.24 of the Land Development Code generally stipulates that there can be a maximum of one portable storage container per property and that it cannot remain at a property in any zoning district in excess of 30 consecutive days more than once per year. In addition, they are required to be placed on an asphalt or concrete surface (or a gravel surface is permitted if the portable storage structure is located behind the principal structure).

The applicant is requesting to allow for a maximum of three portable storage containers to remain on-site, on grassed areas, for storage indefinitely. Additional permanent structures, complying with the Land Development Code's Commercial Design Standards, could be proposed to accommodate permanent storage needs.

NEW WAIVER REQUEST: The applicant is proposing three portable storage containers on non-permitted surfaces indefinitely, versus the maximum allowed one portable storage container on an approved surface for a maximum of 30 days per year.

Access. Access to the site is currently provided by a dirt/gravel road, traversing through the City of Colleyville's Public Works Service Center. Future plans to construct improved access to the site are underway and will be required prior to filing a plat for record.

Open Space. Section 3.23 of the Land Development Code requires a minimum of 20 percent open space for all Planned Unit Development (PUD) Districts. The applicant has stated that there is approximately 57 percent open space provided. With the required perimeter landscape buffer, the proposed landscaped areas on the interior of the site, and the large area reserved for detention, there will be substantially more than 20 percent open space on the subject property. The applicant will be required to provide the designation of the open space areas on an associated plat, prior to the issuance of a building permit. The guarantee of preservation and maintenance of the common open space, as required by Section 3.23 of the Land Development Code, must be provided on the associated plat through the necessary covenants, restrictions, and/or notes.

Landscaping. The applicant has submitted a landscape plan that includes the addition of approximately 23 trees, 169 shrubs, additional groundcover, and seasonal color. Many of the proposed plantings are to comply with minimum landscaping standards, and the landscaping depicted on the plan exceeds the minimum requirements of the Land Development Code. The applicant has noted that the landscaping improvements are intended to be utilized as a showcase for customers seeking landscape design services from the business. The addition of landscaping to the site will provide an improvement to the existing site conditions.

Drainage. The applicant is proposing to install a detention pond on the eastern side of the subject property to meet the City's drainage requirements. The pond area is proposed to be over-sized to accommodate regional detention needs, including possible drainage from the adjacent Public Works Service Center. Should drainage not be coordinated between the two properties, the applicant can size the pond to comply with drainage requirements for the proposed development only.

Exterior Building Elevations. The applicant has submitted exterior building elevations and are attached to the proposed rezoning request for consideration. The proposed building will utilize stucco as the primary building material, with brick accents and a standing seam metal roof. Architectural elements including a recessed entryway, metal awnings, and dormer windows are proposed.

Chapter 6 of the Land Development Code requires a minimum score of 30 points for all commercial zoning classifications, with the exception of PUD and SUP districts. These developments may obtain approval of higher or lower values as authorized by the City Council. Although the applicant is proposing to meet the minimum design score of 30 points for the proposed building, the applicant is requesting for the existing building to remain as is.

Trails. According to the *Colleyville Pathways Plan*, no trail connections are planned or proposed for the property.

Platting. The subject property will be required to be platted prior to the issuance of a building permit on the subject property.

Surrounding Development Trends. The properties directly to the north are zoned Agricultural (AG) and Light Manufacturing (ML) and are occupied by the City of Colleyville's Public Works Service Center. Property to the west is zoned Shopping Center (CC-2) and currently occupied by the Waypoint Montessori School. Property to the south is zoned Single Family Residential (R-20) and developed with single family homes. Property to the east is zoned Planned Unit Development – Residential (PUD-R) and developed with single family residential uses.

Development Fees. Water, sewer, and roadway impact fees are due at the time of building permit issuance and will be required for this development. Fees are calculated as described in Chapter 13 of the Land Development Code.

Comprehensive Plan. The City's comprehensive plan, *Destination Colleyville*, designates this property for future commercial uses. The proposed development is consistent with the future land use map and the comprehensive plan and does not propose to change the existing land use on the subject property.

Public Notification. Staff notified 19 property owners within 200 feet of the subject property as well as any Homeowners' Associations within 500 feet regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received one letter of opposition regarding this request.

Summary. The property owner has addressed all items originally discussed in the existing PUD-C, with the exception of the fire lanes and access, which are currently in progress. The proposed PUD-C amendment seeks to resolve the remaining nonconformities on the subject property and plan for an additional office building. However, based on the information received to date, the current proposal does not meet all of the standards required by the Land Development Code.

Staff recognizes the unique nature of the business operations on this site, along with the unique location of the site with limited access. Although the proposed rezoning request is consistent with the City's comprehensive plan, staff recommends denial of the proposed rezoning request due to technical non-compliance with the Land Development Code. Listed below are the waivers associated with this request:

1. *WAIVER CONTINUATION:* The applicant is proposing to maintain the current allowance from the existing PUD-C of outside storage of equipment, supplies, and materials, as long as they are a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. Outside storage was previously considered on this site and the provision was added to the PUD-C at that time, although outside storage is only prohibited for large commercial buildings.
2. *WAIVER CONTINUATION:* The applicant is proposing a minimum 19-foot front yard setback versus the 40-foot setback required. The existing 19-foot setback was approved with the current PUD-C.
3. *WAIVER CONTINUATION:* The applicant is proposing gravel parking areas, in addition to 10 striped and paved parking spaces, for employee and company vehicle parking, versus the required all-weather surface.
4. *WAIVER CONTINUATION:* The applicant is proposing to keep the existing wood fences (six and eight feet tall) instead of the required eight-foot, decorative, masonry wall along the southern and eastern property lines.
5. *WAIVER CONTINUATION:* The applicant is proposing to provide an unenclosed dumpster on a concrete pad instead of providing a decorative masonry wall with gate as required.
6. *WAIVER CONTINUATION:* The applicant is proposing a minimum 10-foot wide landscape buffer along the southern and eastern property lines versus the minimum 20-foot landscape buffer required.
7. *NEW WAIVER REQUEST:* The applicant is proposing three portable storage containers on non-permitted surfaces indefinitely, versus the maximum allowed one portable storage container on an approved surface for a maximum of 30 days per year.

Recommendation

Denial

Attachments

1. Aerial
2. Location and Zoning Map
3. Future Land Use Map
4. Buffer Map
5. Notification List
6. Letter of Opposition
7. Site Plan Exhibit
8. Landscape Plan Exhibit
9. Landscape Screening Exhibit
10. Elevations Exhibit
11. Existing Ordinance
12. Proposed Ordinance

Aerial Map



Case ZC15-004

1603 Hall-Johnson Road

Legend

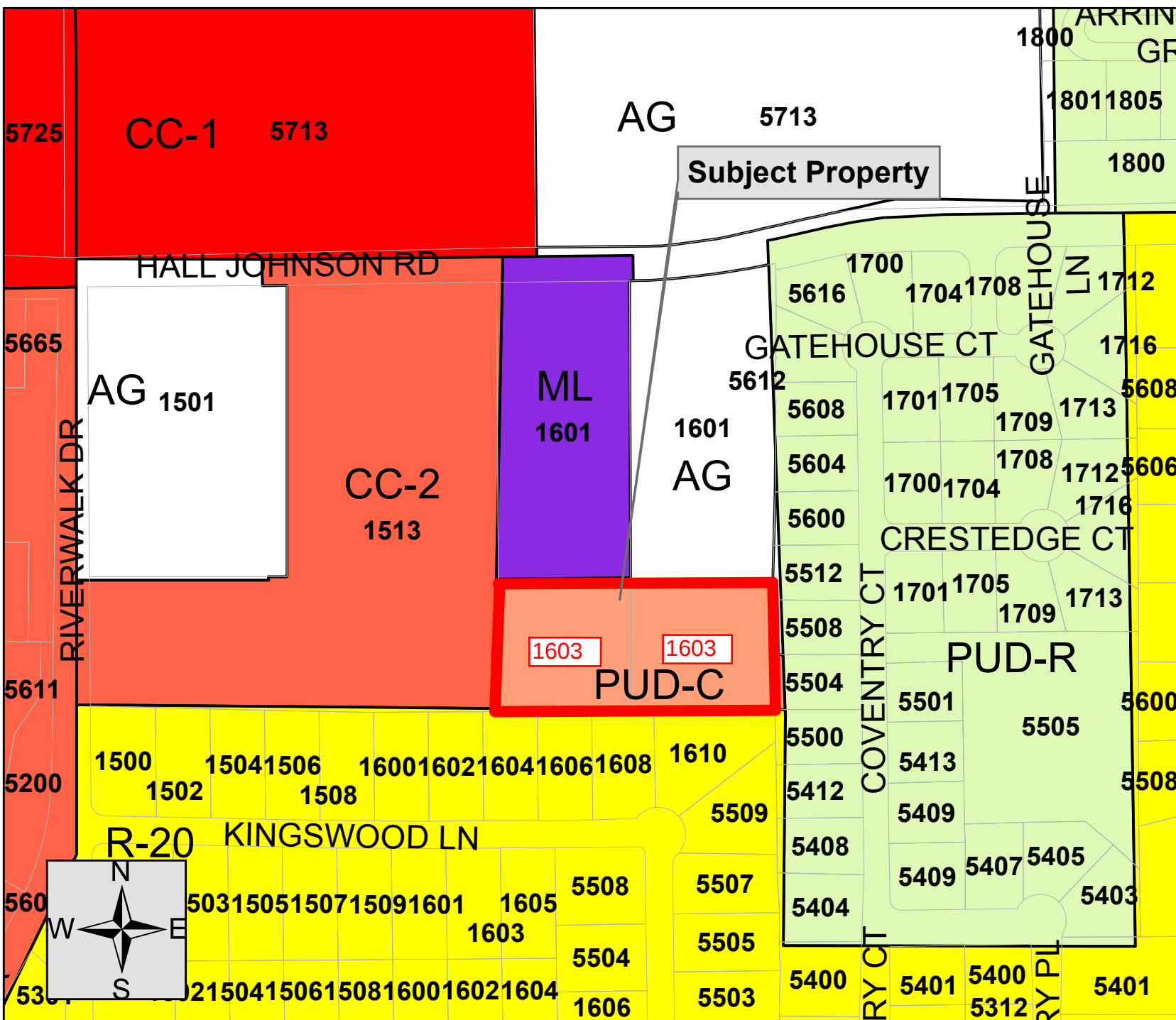
-  Subject Property
-  Parcels



Location and Zoning Map

Case ZC15-004

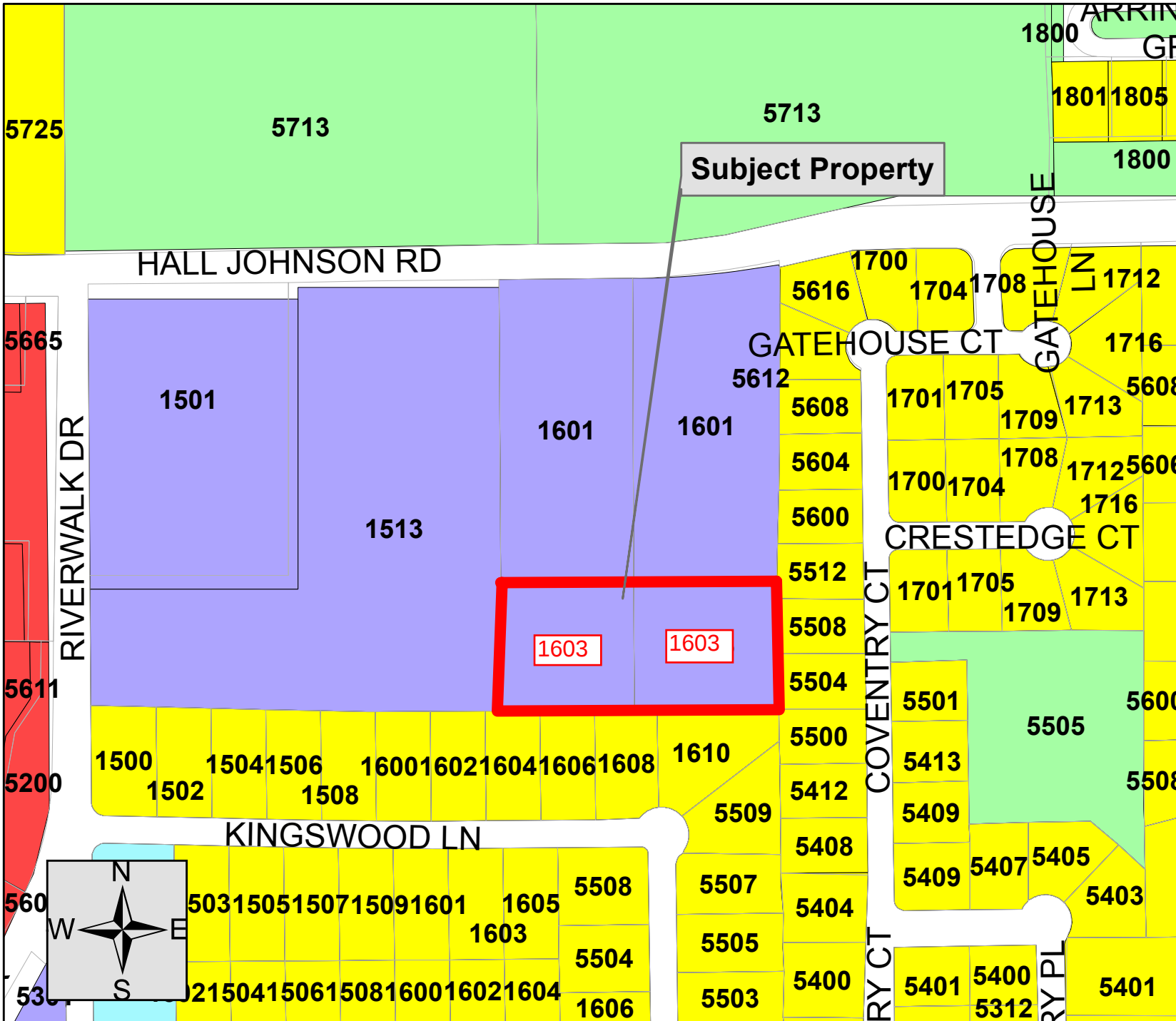
1603 Hall-Johnson Road



Future Land Use Map

Case ZC15-004

1603 Hall-Johnson Road



Legend

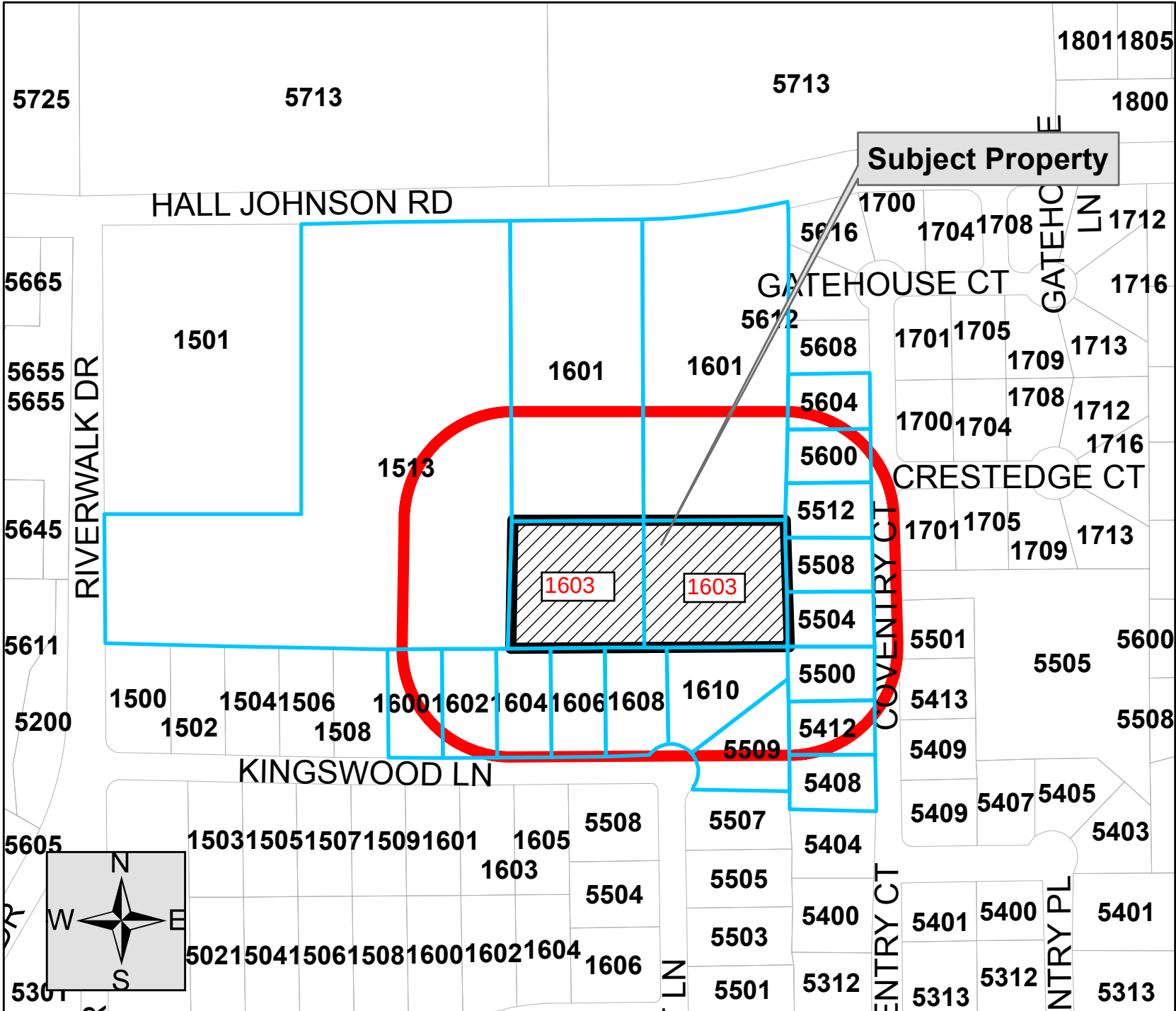
- Subject Property
- Parcels
- Single Family
- Multi-Family
- Office
- Retail
- Institutional
- Industrial
- Roadway
- Utilities
- Parks
- Private Open Space
- Water



Buffer Map

Case ZC15-004

1603 Hall-Johnson Road



Legend



Properties within 200 feet



Subject Property

Parcels



City Limit



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
BROWN, DANA KAY	5500 COVENTRY CT	COLLEYVILLE	TEXAS	76034	5500 COVENTRY CT
ANNIS, BARNARD H	5604 COVENTRY CT	COLLEYVILLE	TEXAS	76034	5604 COVENTRY CT
ERICKSON, CHAD	5508 COVENTRY CT	COLLEYVILLE	TEXAS	76034	5508 COVENTRY CT
COX, GEORGE B	1602 KINGSWOOD LN	COLLEYVILLE	TEXAS	76034	1602 KINGSWOOD LN
WILLIAMSON, JEFF	5509 JANET LN	COLLEYVILLE	TEXAS	76034	5509 JANET LN
SANDERSON, WILFORD	5408 COVENTRY CT	COLLEYVILLE	TEXAS	76034	5408 COVENTRY CT
WILKISON, GREGORY S	5412 COVENTRY CT	COLLEYVILLE	TEXAS	76034	5412 COVENTRY CT
SAIYED, FARID	1600 KINGSWOOD LN	COLLEYVILLE	TEXAS	76034	1600 KINGSWOOD LN
MONKS, FRED	PO BOX 1377	COLLEYVILLE	TEXAS	76034	1605 HALL JOHNSON RD
GOLDEN, DENNIS A	1606 KINGSWOOD LN	COLLEYVILLE	TEXAS	76034	1606 KINGSWOOD LN
NELSON, MICHAEL JAY	5600 COVENTRY CT	COLLEYVILLE	TEXAS	76034	5600 COVENTRY CT
HENDRIX, TERRY L	1610 KINGSWOOD LN	COLLEYVILLE	TEXAS	76034	1610 KINGSWOOD LN
HINES, BRENT A	5504 COVENTRY CT	COLLEYVILLE	TEXAS	76034	5504 COVENTRY CT
MONKS, FRED	PO BOX 1377	COLLEYVILLE	TEXAS	76034	1605 HALL JOHNSON RD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE	TEXAS	76034	1601 HALL JOHNSON RD
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE	TEXAS	76034	1601 HALL JOHNSON RD
ROTH, THOMAS R	6909 MEADE DR	COLLEYVILLE	TEXAS	76034	5512 COVENTRY CT
ROOYEN, DANIEL V	1604 KINGSWOOD LN	COLLEYVILLE	TEXAS	76034	1604 KINGSWOOD LN
BARBARA GORDON MONTESSORI SCHL	1513 HALL JOHNSON RD	COLLEYVILLE	TEXAS	76034	1513 HALL JOHNSON RD
MONKS, FRED	1608 KINGSWOOD LN	COLLEYVILLE	TEXAS	76034	1608 KINGSWOOD LN
STONE CREST ESTATES	PO BOX 332	COLLEYVILLE	TEXAS	76034	COURTESY NOTICE
KINGSWOOD ESTATES	PO BOX 978	COLLEYVILLE	TEXAS	76034	COURTESY NOTICE
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E. WOODS AVE.	GRAPEVINE	TEXAS	76051	STATE LAW REQUIRED
THOMAS MONKS	PO BOX 1377	COLLEYVILLE	TEXAS	76034	APPLICANT

Public hearing notices were mailed
 Wednesday, December 23,2015 by Taci
 Wrisley

Letter of Opposition

Taci Wrisley

From: Gregory S Wilkison
Sent: Tuesday, December 29, 2015 7:11 PM
To: Taci Wrisley
Subject: Written Formal Protest

Attention: Taci Wrisley

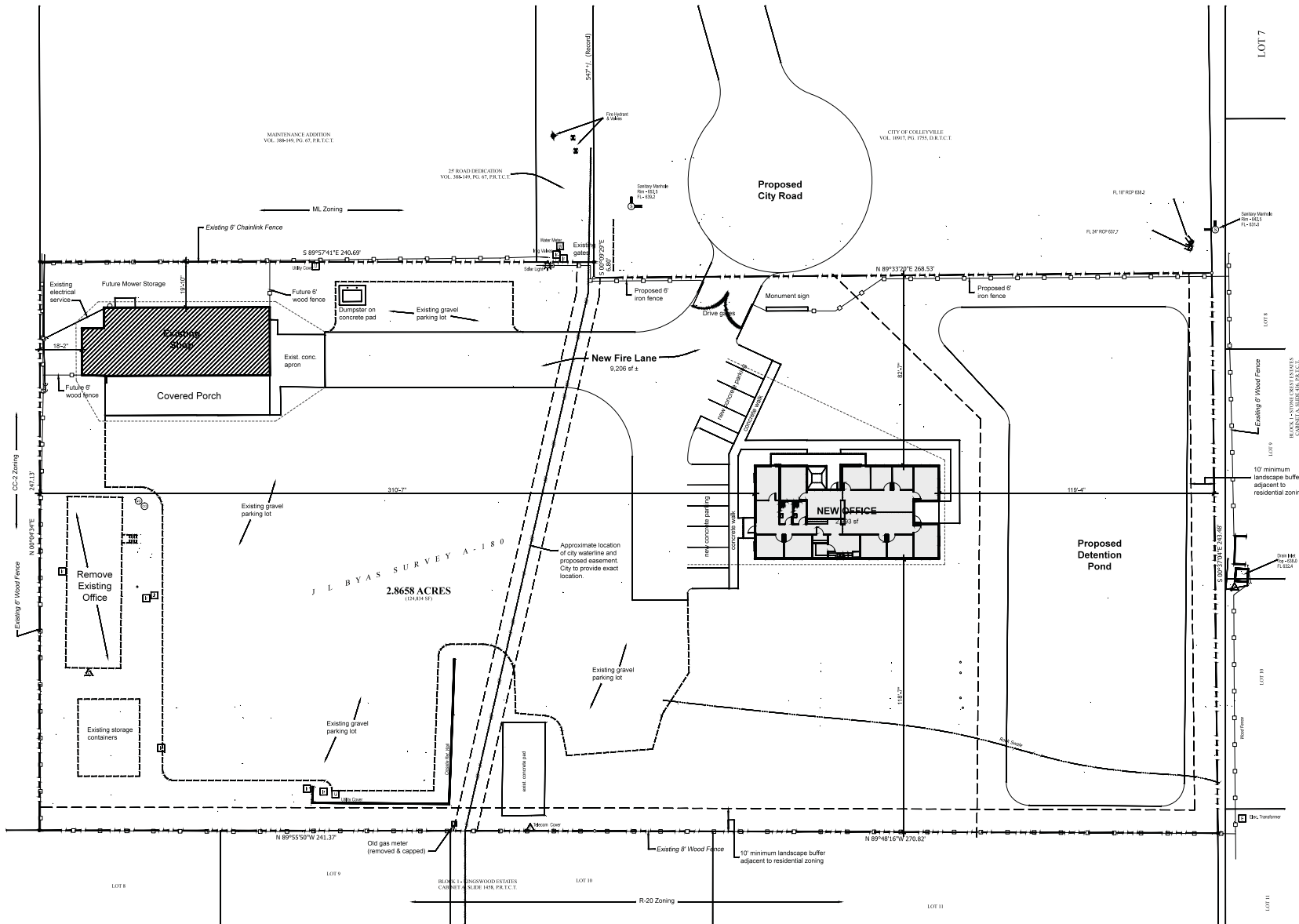
Zoning Case Number ZC15-004
Applicant: Thomas Monks
Location: 1603 Hall-Johnson Road
Property Description: Abstract 180, of the J.L. Byas Survey

Please accept this as our **WRITTEN PROTEST** to this change.

Sincerely,

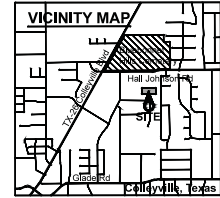
Gregory and Jean Wilkison
5412 Coventry Court
Colleyville, TX 76034
(817) 602-7757

Site Plan Exhibit



1 Proposed Site Plan
scale: 1" = 20'

0 5 10 20 30 40 50 60 70 80 90 100



OWNER:

Thomas J. Morris
The Lawn Firm
817-445-4396

LEGAL DESCRIPTION:

2.8658 Acres of the J.L. Byas Survey Abstract no. 180
in the City of Colleyville, Tarrant County, Texas

ZONING:

Zoned "PUD"

LOT COVERAGE:

Proposed Office Building	3,000 sf
Existing Shop	2,300 sf
Lot Coverage	4.2%

SITE AREA:

Total Lot Area -	124,834 sf
Proposed Office Building -	3,000 sf
2.4% of total area	
Existing Shop Building -	2,300 sf
1.8% of total area	
Paved area (impermeable) -	13,075 sf
10.5% of total area	
Existing Gravel Lot (permeable) -	34,902 sf
27.9% of total area	
Open Space -	71,557 sf
57.3% of total area	



A New Office for
THE LAWN FIRM
1603 Hall-Johnson Road, Colleyville, Texas 76034



DATE:
25 NOV 15

PARKING:

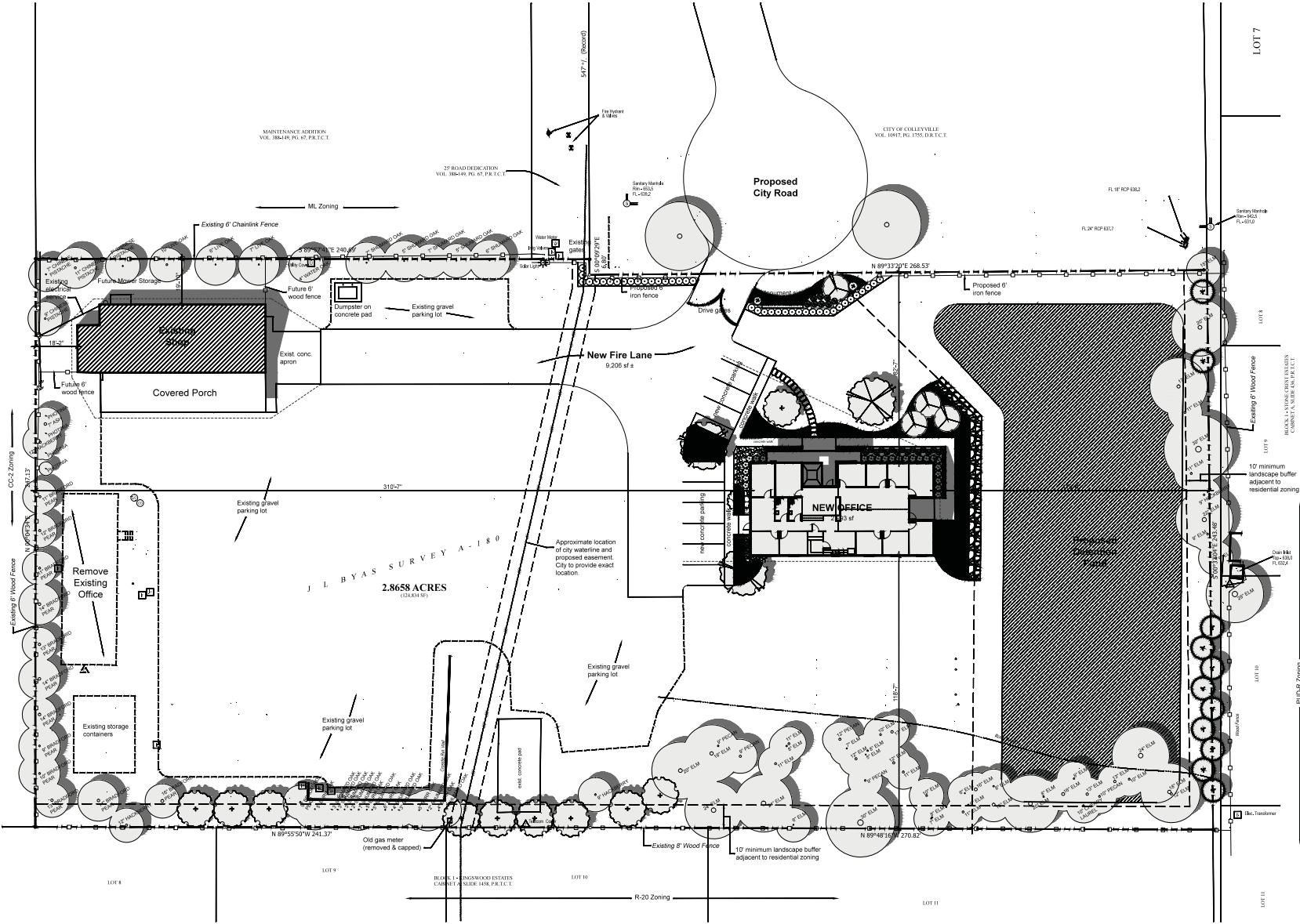
Spaces for new office building -	10
accessible -	1 (van)

Existing gravel lot has unmarked overnight
parking spaces for 24 work trucks and trailers.

SHEET:
SITE PLAN

A100

Landscape Plan Exhibit



1 Landscape Plan
Scale: 1" = 20'

OWNER:
Thomas J. Morris
The Lawn Firm
817-545-6396

PHILIP NEWBURN ARCHITECTURE
2545 S. MADISON AVE., FORT WORTH, TEXAS
817-548-6392 phil@newburnarch.com

A New Office for
THE LAWN FIRM
1603 Hall-Johnson Road, Colleyville, Texas 76034

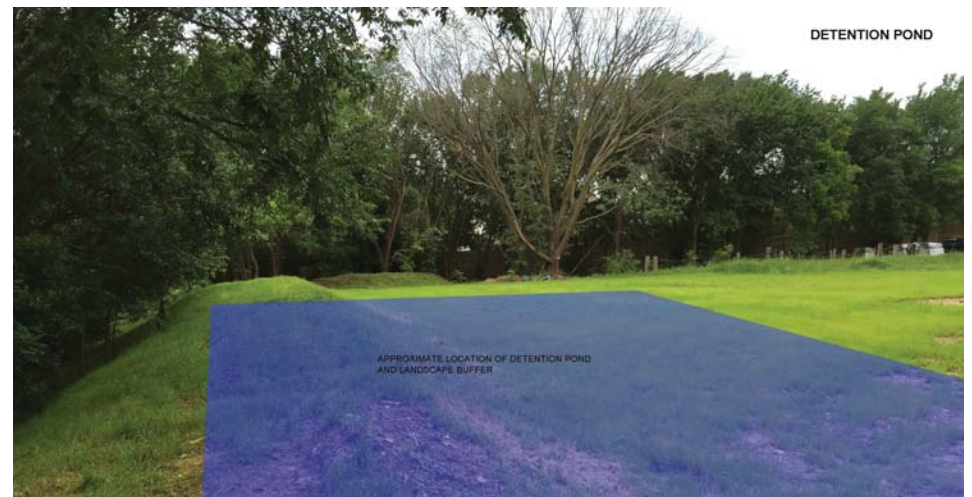


PLANT LEGEND:		
	Shumard Red Oak	3" CAL
	Live Oak	3" CAL
	Ornamental Tree	30 GAL
	Ornamental Tree	30 GAL
	Eastern Red Cedar	10-12' Ht, 10' spacing
	Accent Shrub	10 GAL
	Dwarf Burford Holly	5 GAL, 36" spacing
	Indian Hawthorn	5 GAL
	Dwarf Spirea	3 GAL
	Ornamental Grass	3 GAL
	Groundcover/Perennials	4" Pot, 12" spacing
	Seasonal Color	4" Pot

DATE:
25 NOV 15

SHEET:
LANDSCAPE PLAN
L100

Landscape Screening Exhibit



Elevations Exhibit



Existing Ordinance

ORDINANCE O-14-1904

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 2.8 ACRES LOCATED IN THE J.L. BYAS SURVEY, ABSTRACT 180, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. ZC13-020; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

Existing Ordinance

Ordinance O-14-1904

Page 2 of 6

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 2.8 acres located in the J.L. Byas Survey, Abstract 180, from the AG-Agricultural zoning district to the PUD-C-Planned Unit Development Commercial zoning district, as depicted in the attached Exhibit "A", and as described in Exhibit "B".
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-C is for a landscaping business with outside storage named *The Lawn Firm*.
- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this ordinance.

2. BUILDING AND SITE COMPLIANCE PROVISIONS

- a. The developer shall submit and receive approval from the City, a minor plat, in accordance with the requirements of the Land Development Code prior to development of this PUD-C.

Existing Ordinance

Ordinance O-14-1904
Page 3 of 6

- b. No later than 60 days from the date of approval of this ordinance, the applicant shall allow an independent, third party inspector, contracted by the City, to perform a comprehensive inspection of the site and buildings and provide a detailed report of all outstanding code compliance issues. The cost of this inspection shall be paid by the applicant. All specific life/safety, fire, and ADA code issues identified in the report shall be addressed and brought into compliance with all current applicable City codes no later than 180 days from the approval date of this ordinance. The final determination of compliance with this section shall be made by the Community Development Director through the issuance of a temporary Certificate of Occupancy. Failure to meet the requirements of this section shall be considered a violation of this ordinance.
- c. Notwithstanding any additional requirements in this ordinance, no later than one year from the date of approval of this ordinance, all site specific issues governed by the Land Development Code shall be brought into compliance with all current Land Development Code requirements except for the following chapters and provisions: The building location, setback, screening and parking provisions of Chapter 3-Land Use, Chapter 4-Landscaping and Buffering, Chapter 6-Commercial Design Standards.

3. PERMITTED USES

- a. The purpose of this PUD-C is for a landscaping contractor with outdoor storage as specifically allowed in this ordinance.

4. DEVELOPMENT CONDITIONS

- a. Outdoor storage of equipment, supplies and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. This provision shall become effective no later than one year from the date of approval of this ordinance. Outdoor storage of any hazardous materials shall meet all City and State requirements effective upon the passage of this ordinance.

Existing Ordinance

Ordinance O-14-1904
Page 4 of 6

- b. The regulations for the CN-Neighborhood Commercial District shall be applicable to this PUD-C, except where modified by the provisions of this ordinance.
- c. The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.
- d. All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.
- e. Fire lane access to all structures on the subject property shall be consistent with Exhibit "C" and shall, otherwise, meet the minimum requirements of the Land Development Code no later than one year from the date of approval of this ordinance with final approval required by the Fire Marshal.
- f. If the property changes ownership or use, then a detailed site plan will be required and shall include any new buildings access easements, parking areas, landscape buffers, and other improvements being proposed in accordance with the Land Development Code.

Sec. 5. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that

Existing Ordinance

Ordinance O-14-1904
Page 5 of 6

portion so decided to be invalid or unconstitutional.

Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

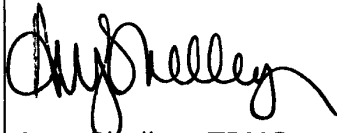
The first reading and public hearing being conducted on the 7th day of January 2014.

The second reading and public hearing being conducted on the 21st day of January 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 4th day of February 2014.

ATTEST:

CITY OF COLLEYVILLE

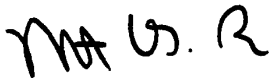


Amy Shelley, TRMC
City Secretary



David Kelly
Mayor

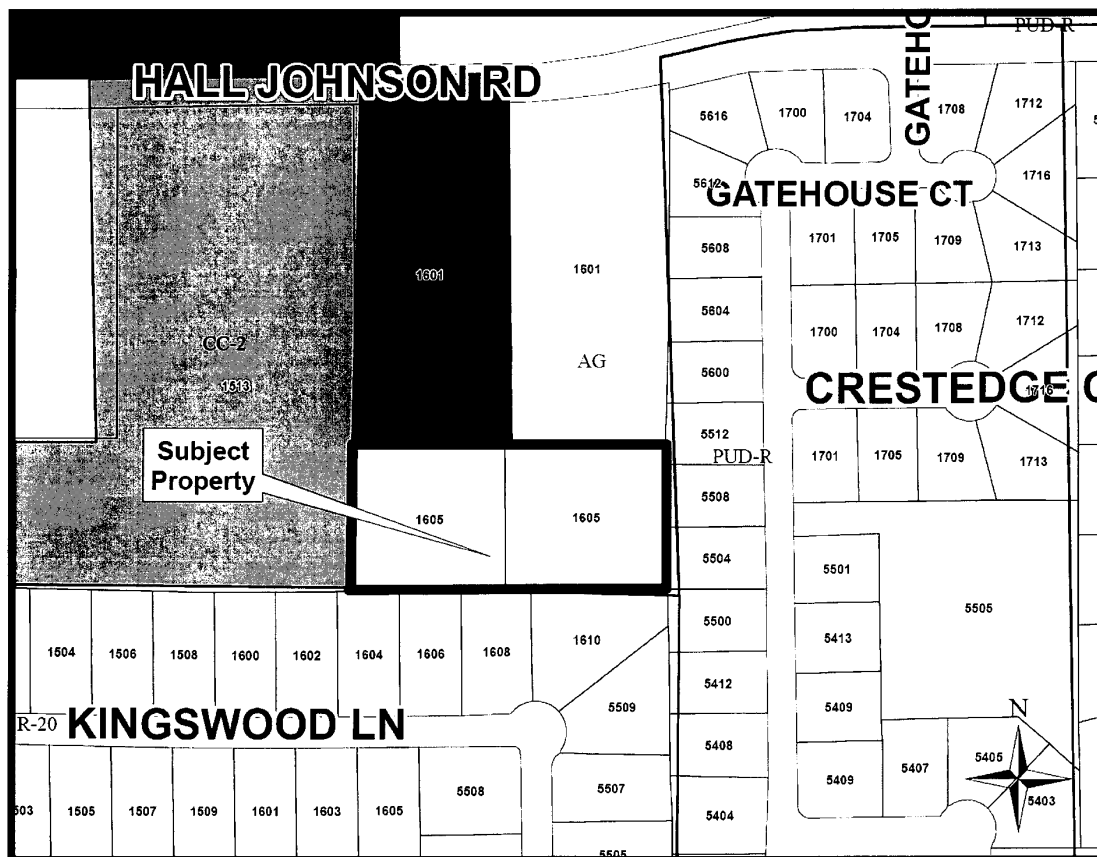
APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Existing Ordinance

Exhibit "A" – Location and Zoning Map



Existing Ordinance

Exhibit B – Legal Description

Tract 1

BEING a tract of land out of the J. L. BYAS SURVEY, ABST. #180 in Tarrant County, Texas, and more particularly described as a portion of a 9.315 acre tract out of said survey recorded in the name of Joe B. Harrison in Vol. 2850, Page 467, Deed Records, Tarrant County, Texas and being described by metes and bounds as follows:

BEGINNING at a pipe, said pipe being the Southwest corner of said 9.315 acre tract;

THENCE North 00 deg. 18 min. East along the West line of said 9.315 acre tract 246.7 ft to an iron pin for corner;

THENCE South 89 deg. 45 min. East 241.2 ft to an iron pin for corner in the West line of a 4.965 acre tract of land recorded in the name of Ronald R. Robertson in Vol. 5398, Page 58, Deed Records, Tarrant County, Texas;

THENCE South 00 deg. 11 min. West along the West line of said 4.965 acre tract 246.7 ft to an iron pin for corner in the South line of said 9.315 acre tract;

THENCE North 89 deg. 45 min. West along the South line of said 9.315 acre tract and along a fence 241.7 feet to the POINT OF BEGINNING and containing 1.367 of land, more or less;

Tract 2

BEING 1.482 acres, more or less, situated in the J. L. BYAS SURVEY, ABSTRACT #180, Tarrant County, Texas, being a portion of a 4.965 acre tract described in Deed from Ronald R. Roberson to R. Sam Culbertson dated April 13, 1984, recorded in Volume 8382, Page 744 of the Deed Records of Tarrant County, Texas, SAVE AND EXCEPT 3.483 acre of said property as described in Partial Release of Lien executed by Lloyd Winsworth dated November 20, 1985, recorded in Volume 8382, Page 760 of the Deed Records of Tarrant County, Texas, all as more particularly described following:

BEING a 4.965 acre tract of land out of the J. L. BYAS SURVEY, ABSTRACT #180, Tarrant County, Texas, and being a part of a 9.315 acre tract of land conveyed to J. B. Harrison and wife by deed recorded in Volume 2850, Page 467, Deed Records of Tarrant County, Texas described by metes and bounds as follows:

BEGINNING at an iron pin at the Southeast corner of said 9.315 acre tract, said point being 216.67 feet North of the S.E. Corner of said J. L. Byas Survey;

THENCE West 271.0 feet to an iron pin for corner;

THENCE North 00 degrees 11 minutes E, 794.0 feet to an iron pin in the South ROW line of the Hall-Johnson Road;

THENCE along said ROW line S 88 degrees 45 minutes E, 43.73 feet, said point being the beginning of a curve to the left having a radius of 896.0 feet, and continuing along said curve a distance of 227.27 feet to an iron pin;

Existing Ordinance

Exhibit B – Legal Description (Continued)

THENCE S 00 degrees 23 minutes E 828.5 feet to the place of beginning, containing 4.965 acres of land, more or less;

SAVE AND EXCEPT THE FOLLOWING:

Being a tract of land out of the J. L. BYAS SURVEY, ABSTRACT NO. 180 in Tarrant County, Texas, being part of a 9.315 acre tract of land conveyed to J. B. Harrison, et ux, recorded in Volume 2850, Page 467, Deed Records of Tarrant County, Texas;

BEGINNING at an iron pin 457.13 feet North and 270.23 feet West of the Southeast Corner of the J. L. Byas, Abstract No. 180 in Tarrant County, Texas;

THENCE North 0 degrees 11 minutes East 553.54 feet to an iron pin in the South line of the Hall Johnson Road;

THENCE with said South line, South 88 degrees 45 minutes East 43.73 feet to an iron pin at the beginning of a curve to the left;

THENCE with said curve to the left, with a radius of 2804.37 feet and a central angle of 4 degrees 42 minutes 15 seconds a distance of 230.06 feet to an iron pin;

THENCE South 0 degrees 33 minutes 55 seconds West 582.21 feet to an iron pin;

THENCE South 89 degrees 21 minutes 17 seconds West 267.44 feet to the place of beginning, containing 3.483 acres of land, more or less (151.73835 square feet).

Existing Ordinance

Exhibit C – Fire Access Plan



ORDINANCE O-16-XXXX

AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AS HERETOFORE AMENDED; BY AMENDING ORDINANCE O-14-1904; BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 2.87 ACRES LOCATED IN THE J.L. BYAS SURVEY, ABSTRACT 180, FROM THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT TO THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL ZONING DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. ZC15-004; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices

by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 2.87 acres located in the J.L. Byas Survey, Abstract 180, from the PUD-C-Planned Unit Development Commercial Zoning District to the PUD-C-Planned Unit Development Commercial Zoning District, as depicted in Exhibit "A".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall remain subject to the requirements of Ordinance O-14-1904, as amended by the following special ordinance provisions as they amend Ordinance O-14-1904.

Subsection 4 is hereby amended and replaced as follows:

"1. GENERAL

- a. The purpose of this PUD-C is for a landscaping business with outside storage named *The Lawn Firm*.
- b. The proposed development is subject to all the regulations contained in the Land Development Code, except as amended by this ordinance.
- c. The proposed development shall generally comply with

Exhibits "B," (Site Plan) "C," (Landscape Plan) and "D" (Building Elevations).

2. BUILDING AND SITE COMPLIANCE PROVISIONS

- a. The developer shall submit and receive approval from the City, a plat, in accordance with the requirements of the Land Development Code prior to the issuance of a building permit.
- b. Improved access to the subject property, subject to the review and approval by the Director of Public Works and the Fire Marshal, shall be required no later than one year from the issuance of a Certificate of Occupancy for the proposed building.

3. PERMITTED USES

- a. The purpose of this PUD-C is for a landscaping contractor with outdoor storage as specifically allowed in this ordinance.

4. DEVELOPMENT CONDITIONS

- a. Outdoor storage of equipment, supplies and materials is hereby permitted provided all outdoor storage is kept a minimum of 25 feet away from any adjacent properties zoned or used for residential or educational purposes. This provision shall become effective no later than one year from the date of approval of this ordinance. Outdoor storage of any hazardous materials shall meet all City and State requirements effective upon the passage of this ordinance.
- b. The regulations for the CN-Neighborhood Commercial District shall be applicable to this PUD-C, except where modified by the provisions of this ordinance.
- c. The minimum front yard setback shall be 19 feet.
- d. Gravel parking areas, as noted on Exhibit "B," shall be permitted, in addition to the 10 striped and paved parking spaces for the proposed building.

- e. Screening shall be in accordance with Exhibits “B” and “C,” consisting of wooden fences, mature trees, and landscaping along the southern and eastern property lines. Screening of the dumpster with an enclosure is not required.
- f. The minimum landscape area adjacent to residential zoning districts shall be a minimum of 10 feet as reflected in Exhibit “C.”
- g. A maximum of three portable storage containers shall be permitted on the subject property with no required timeframe for removal or installation requirements.
- h. A minimum of 20 percent open space shall be provided per Section 3.23 of the Land Development Code, and as amended, on the associated plat. The guarantee of preservation and maintenance of the common open space must be provided on the associated plat through the necessary covenants, restrictions, and/or notes.
- i. Per Chapter 6 of the Land Development Code, and as amended, a minimum design score of 30 points shall be required for the proposed building. The existing building in the northwest portion of the property is permitted to remain without design improvements.
- c. The hours of operation for any business allowed on the subject property shall be limited to daylight hours only, Monday through Saturday.
- d. All lighting on site shall be directed away from adjacent residential properties and illumination shall not exceed 0.5 foot candles as measured at any adjacent residential property line.
- e. If the property changes ownership or use, then a detailed site plan will be required and shall include any new buildings access easements, parking areas, landscape buffers, and other improvements being proposed in accordance with the Land Development Code.
- f. The existing office trailer shall be removed no later than one year from the issuance of a Certificate of Occupancy for the proposed building.”

- Sec. 6. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 7. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 8. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.
- Sec. 9. THAT all provisions of the Land Development Code shall remain in full force and effect, except where amended herein.
- Sec. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of February 2016.

The second reading and public hearing being conducted on the 16th day of February 2016.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2016.

ATTEST:

CITY OF COLLEYVILLE

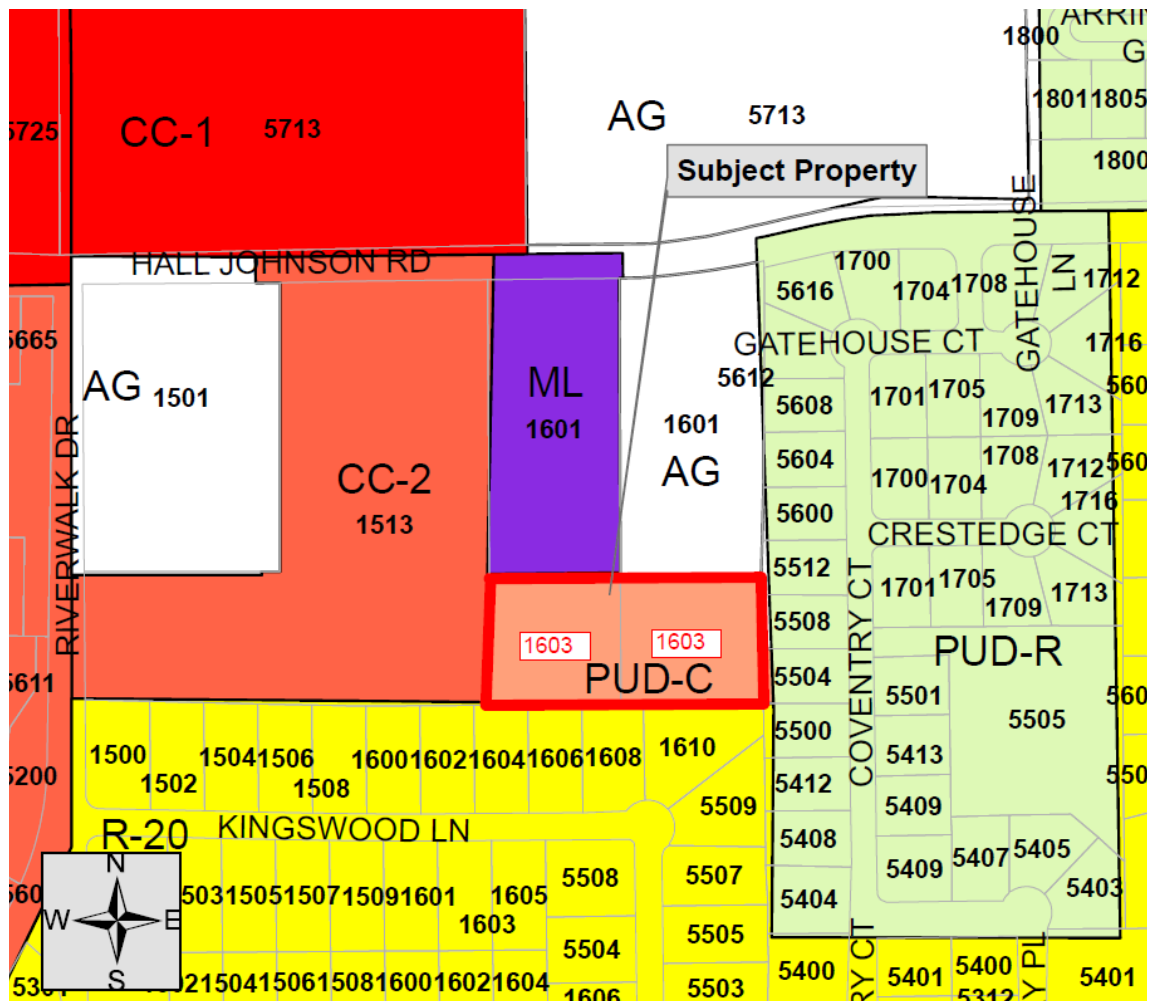
Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit “A” –Location and Zoning Map



[illegible]

Exhibit "C" Landscape Plan



A New Office for
THE LAWN FIRM
 1603 Half-Johnson Road, Collegeville, Texas 76034



DATE:
 29 NOV 15
 SHEET:
 LANDSCAPE PLAN
L100

OWNER:
 The Lawn Firm
 1603 Half-Johnson Road
 Collegeville, Texas 76034

PLANT LEGEND:

Shrub	1" Cal.	1" Cal.
Shrub	2" Cal.	2" Cal.
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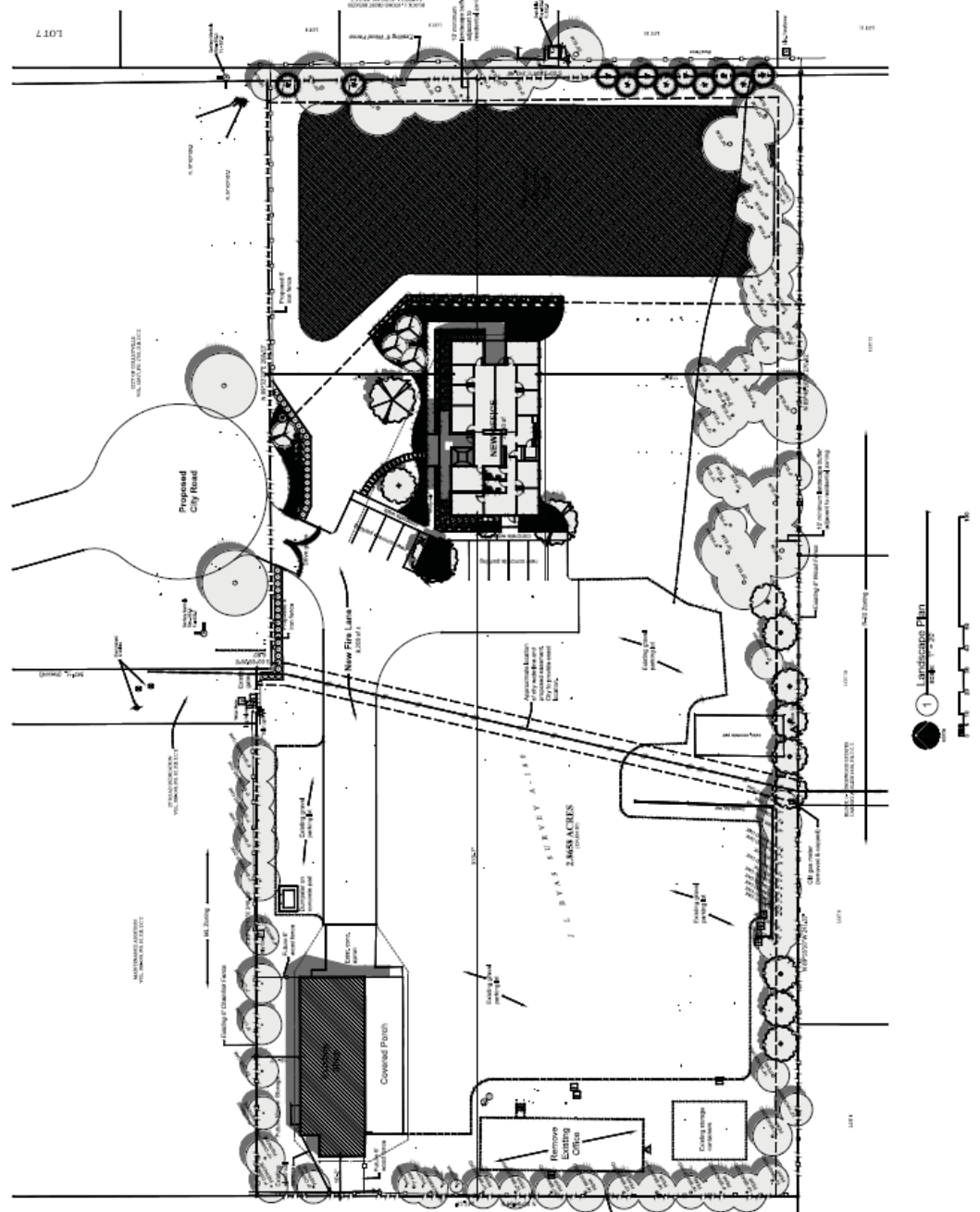


Exhibit “D” Elevations

